

**CUTLER**  
**36371-061603**



***ROANOKE CITY COUNCIL***  
***REGULAR SESSION***

***JUNE 16, 2003***  
***2:00 P.M.***

***CITY COUNCIL CHAMBER***

***AGENDA***

**1. Call to Order--Roll Call. (Vice-Mayor Harris was absent.)**

The Invocation was delivered by The Reverend Timothy A. Wright, Associate Pastor, Evangel Foursquare Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

**NOTICE:**

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, June 19, 2003, at 7:00 p.m., and Saturday, June 21, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

## **ANNOUNCEMENTS:**

**THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.**

**THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT [WWW.ROANOKEGOV.COM](http://WWW.ROANOKEGOV.COM), CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.**

**ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.**

**ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT [WWW.ROANOKEGOV.COM](http://WWW.ROANOKEGOV.COM) TO OBTAIN AN APPLICATION.**

## **2. PRESENTATIONS AND ACKNOWLEDGMENTS:**

A RESOLUTION paying tribute to Willard N. Claytor, Director of Real Estate Valuation for the City of Roanoke, and expressing the appreciation of the City of Roanoke and its citizens for his exemplary public service.

**Adopted Resolution No. 36371-061603. (6-0)**  
**File #80-162**

## **3. CONSENT AGENDA**

**(APPROVED 6-0)**

**ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.**

- C-1 Minutes of the special meeting of Council held on Thursday, May 1, 2003, and the regular meeting held on Monday, May 5, 2003, and recessed until Wednesday, May 7, 2003.

**RECOMMENDED ACTION:** Dispense with the reading of the minutes, and approve as recorded.

- C-2 A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

**RECOMMENDED ACTION:** Concur in the request.  
**File #110-132**

- C-3           A communication from Beverly T. Fitzpatrick, Jr., tendering his resignation as a Commissioner of the City of Roanoke Redevelopment and Housing Authority, effective May 19, 2003.

RECOMMENDED ACTION: Receive and file communication and accept the resignation.

**File #110-178**

- C-4           A communication from the City Clerk advising of the resignation of F. B. Webster Day as a member of the Youth Services Citizen Board, effective immediately.

RECOMMENDED ACTION: Receive and file communication and accept the resignation.

**File #110-304**

## **REGULAR AGENDA**

### **4. PUBLIC HEARINGS: NONE.**

### **5. PETITIONS AND COMMUNICATIONS: NONE.**

### **6. REPORTS OF OFFICERS:**

#### **a. CITY MANAGER:**

**BRIEFINGS: NONE.**

#### **ITEMS RECOMMENDED FOR ACTION:**

1. Transfer of funds from completed capital projects into certain recommended accounts.  
(Joint recommendation of the City Manager and Director of Finance.)

**Adopted Budget Ordinance No. 36372-061603. (6-0)**  
**File #60-217**

2. Appropriation of funds in connection with internal services fund budgetary adjustments.  
(Joint recommendation of the City Manager and Director of Finance.)

**Adopted Budget Ordinance No. 36373-061603. (6-0)  
File #60**

3. Adjustment of the Enhanced 911 Emergency Telephone System effective date.

**Adopted Ordinance No. 36374-061603. (5-1, Mayor Smith voted no.)  
File #24-188**

4. Revision to the City Code to meet operational challenges and to provide for more efficient management of the City Market.

**Adopted Ordinance No. 36375-061603. (6-0)  
File #24-42**

5. Execution of documents to petition the State Soil and Water Conservation Board for membership in the Blue Ridge Soil and Water Conservation District.

**Adopted Resolution No. 36376-061603. (6-0)  
File #468**

6. Acceptance, appropriation and transfer of 2003-04 Community Development Block Grant, HOME Investment Partnerships Program and Emergency Shelter Grant Program Entitlement funds.

**Adopted Budget Ordinance No. 36377-061603 and Resolution No. 36378-061603. (5-0, Council Member Bestpitch abstained from voting.)  
File #60-72-178-236-247**

7. Transfer of grant match funds in connection with grant writing services by Randall Funding and Development, Inc.

**Adopted Budget Ordinance No. 36379-061603. (6-0)**

**Council Member Cutler requested information on the contract amount with Randall Funding and Development, Inc., and a summary of grants received by the City of Roanoke as a result of the contract.**

**File #60-236**

8. Amendment to the City Code to establish procedures for registration of mopeds.

**Adopted Ordinance No. 36380-061603. (6-0)**

**File #5-24-316-442**

9. Appropriation and transfer of funds in connection with the Comprehensive Services Act Supplemental Allocation.

**Adopted Budget Ordinance No. 36381-061603. (6-0)**

**File #60-72-304**

10. Transfer of funds in connection with the 2003 Virginia Municipal League Conference to be hosted by the City of Roanoke on October 19 - 21, 2003.

**Adopted Budget Ordinance No. 36382-061603. (6-0)**

**File #17-60**

11. Acceptance of a grant and appropriation of funds for implementation of the Urban Forestry Plan.

**Adopted Budget Ordinance No. 36383-061603 and Resolution No. 36384-061603. (6-0)**

**File #60-236-240**

12. Acceptance of the Summer Food Program grant and appropriation/transfer of funds.

**Adopted Budget Ordinance Nos. 36385-061603 and 36386-061603 and Resolution No. 36387-061603. (6-0)**  
**File #60-67-236-304**

13. Transfer of funds in connection with personal services lapse. (Joint recommendation of the City Manager and Director of Finance.)

**Adopted Budget Ordinance No. 36388-061603. (6-0)**  
**File #60-184-385**

14. Execution of separate amendments to the three-year Bridge Inspection Program for consulting services with Hayes, Seay, Mattern and Mattern, Inc., and Mattern and Craig, Inc.

**Adopted Resolution Nos. 36389-061603 and 36390-061603. (6-0)**  
**File #102**

15. Revision of the City Code to require pump station maintenance agreements in connection with sewer extensions.

**Adopted Ordinance No. 36391-061603. (6-0)**  
**File #24-27-468**

16. Appropriation of funds in connection with 2003 Hazardous Waste Collection Day.

**Adopted Budget Ordinance No. 36392-061603. (6-0)**  
**File #60-144**

17. Approval of a pledge of 50 per cent of Roanoke's business air travel to AirTran in connection with the Campaign for Airfare.

**Adopted Resolution No. 36393-061603. (6-0)**  
**File #9**

b. **CITY ATTORNEY:**

1. Annual recodification of the City Code to incorporate Code amendments made by the General Assembly at the previous Session to State statutes that are incorporated by reference in the City Code.

**Adopted Ordinance No. 36394-061603. (6-0)**  
**File #24**

**7. REPORTS OF COMMITTEES:**

- a. Request of the Roanoke City School Board to close-out 52 school grants, in the amount of \$14,449,240.24; and a report of the Director of Finance recommending that Council concur in the request.

**Concurred in the request.**  
**File #60-236-467**

- b. Request of the Roanoke City School Board to appropriate funds to various accounts; and a report of the Director of Finance recommending that Council concur in the request.

**Adopted Budget Ordinance Nos. 36395-061603 and 36396-061603.**  
**(6-0)**  
**File #60-467**

**8. UNFINISHED BUSINESS: NONE.**

**9. INTRODUCTION AND CONSIDERATION OF  
ORDINANCES AND RESOLUTIONS: NONE.**



## **10. MOTIONS AND MISCELLANEOUS BUSINESS:**

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.

**Adopted Resolution No. 36397-061603 providing for reconstitution of the Roanoke Neighborhood Partnership Steering Committee as the Roanoke Neighborhood Advocates (RNA), stating the objectives, duties and responsibilities of the RNA, and repealing Resolution No. 25394, effective July 1, 2003. (6-0)  
File #110-488**

**Council Member Wyatt requested a report on the percentage of turnover in City departments over the past three years, in both management and staff positions.  
File #184**

**Council Member Wyatt called attention to the City's new overtime policy and certain alleged instances when staff who qualify for overtime pay earn more than supervisors who do not qualify for overtime pay. She requested that inequities, if any, be reviewed by the City Manager.  
File #60-184**

**Council Member Wyatt called attention to recent newspaper articles regarding violence in the schools which is an emotionally charged issue. She requested that the City Manager ensure that City of Roanoke police officers are treated fairly as the issue is addressed.  
File #5-227-467**

**Council Member Bestpitch referred to a situation where a homeowner is maintaining an excessive number of pets in a private residence. He requested that the City Attorney comment on City Code provisions; whereupon, the City Attorney advised that the City of Roanoke is one of only a few localities that has placed numerical limits on dogs and cats, and laws currently in effect are satisfactory to address the issue. He advised that the situation referenced by Mr. Bestpitch is difficult to address for a number of**

**reasons and if the case is prepared and presented properly and if the legal system follows the City's regulatory ordinance, the matter should be satisfactorily resolved.**

**File #24-51-54-66-95**

**The Mayor announced that the City of Roanoke is the recipient of the Outstanding Achievement Award in the 2003 City Livability Awards Program – Every Drop Counts Program, sponsored by the United States Conference of Mayors and Waste Management. He stated that the City received the award as a result of the combined efforts of City Council, City staff and citizens of the City of Roanoke.**

**File #16-80-468**

**Council Member Cutler called attention to a reception which was held earlier in the day by the Blue Ridge Housing Development Corp., in celebration of the 100th first time home buyer to use the Single Family Regional Loan Fund administered by Blue Ridge Housing Development Corp. and Wachovia.**

**File #80-178**

**Council Member Fitzpatrick called attention to a recent Center in the Square Advertising campaign and advised that the success of downtown Roanoke is due to the efforts of numerous persons/organizations all working in a concerted effort, and it is hoped that the leadership of Center in the Square will continue to work with the City of Roanoke and others in the further development of downtown Roanoke.**

**File #80-277-425**

- b. Vacancies on certain Council-Appointed authorities, boards, commissions and committees.

## **11. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

**Ms. Faye Rothrock, 621 Walnut Avenue, S. W., Ms. Debbie Stevens, 607 Walnut Avenue, S. W., and Ms. Dorie Howard, 627 Walnut Avenue, S. W., expressed concern with regard to an excessive number of pets that are housed in a private residence in their neighborhood, odor and noise.  
File #54-66-95**

**Mr. Chris Craft, 501 East Gate Avenue, N. E., spoke in support of an elected School Board for the City of Roanoke. He requested that the City host an activity in recognition of the service of Delegates A. Victor Thomas and Clifton A. Woodrum, III.  
File #80-467**

## **12. CITY MANAGER COMMENTS: NONE.**

**At 4:35 p.m., the meeting was declared in recess for one Closed Session.**

**CERTIFICATION OF CLOSED MEETING. (5-0, Council Member Dowe left the Council meeting prior to the Closed Session.)**

**Council appointed/reappointed the following persons to Boards and Commissions:**

**Roanoke Public Library Board  
File #110-323**

**Wilburn C. Dibling, Jr.,  
Michael L. Ramsey and  
Brook M. Parrott, for terms  
ending June 30, 2006.**

**Roanoke Arts Commission  
File #110-230**

**William B. Hopkins, Jr., to fill the unexpired term of Robert Humphreys, resigned, ending June 30, 2004; Charles E. Jordan, George Kegley, Susanna Koerber and Kathleen W. Lunsford, for terms ending June 30, 2006; and Courtney A. Penn, for a term ending June 30, 2004.**

**Virginia Western Community College, Board of Directors  
File #110-467**

**Michael F. Urbanski, for a term ending June 30, 2007.**

**Personnel and Employment Practices Commission  
File #110-202**

**Virginia B. Stuart, for a term ending June 30, 2006.**

**Towing Advisory Board  
File #5-110-530**

**Thomas A. Wood and Harold F. Wallick, for terms ending June 30, 2006.**

**Roanoke Valley Greenway Commission  
File #110-379**

**Lucy R. Ellett, for a term ending June 30, 2006.**

**Court Community Corrections Program Regional Community Criminal Justice Board  
File #110-242**

**Clifford R. Weckstein, for a term ending June 30, 2005.**

**Flood Plain Committee  
File #110-237**

**Lucian Y. Grove, Bill Tanger, Mack D. Cooper, II, Dennis Tinsley and Read A. Lunsford, for terms ending June 30, 2004.**

**War Memorial Committee  
File #110-518**

**Alfred C. Moore, Robert O. Gray, Harold H. Worrell, Sr., and Philip C. Schirmer, for terms ending June 30, 2004.**

**Mill Mountain Advisory Committee  
File #67-110**

**Steven Higgs, Richard Clark and Betty Field, for terms ending June 30, 2004.**

**Roanoke Neighborhood Advocates  
File #110-488**

**Robin Murphy-Kelso, Bob R. Caudle, Shirley M. Bethel, Carl D. Cooper, Richard J. Nichols and Joseph A. Schupp.**

**AT 5:30 P.M., THE COUNCIL MEETING WAS DECLARED IN RECESS TO BE RECONVENED AT 7:00 P.M., IN THE CITY COUNCIL CHAMBER.**



***ROANOKE CITY COUNCIL  
REGULAR SESSION***

***JUNE 16, 2003  
7:00 P.M.***

***CITY COUNCIL CHAMBER***

***AGENDA***

**Call to Order -- Roll Call. (Vice-Mayor Harris was absent.)**

The Invocation was delivered by Mayor Ralph K. Smith.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

Welcome. Mayor Smith.

**NOTICE:**

The Council meeting will be televised live by RVTv Channel 3 to be replayed on Thursday, June 19, 2003, at 7:00 p.m., and Saturday, June 21, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

## **A. PUBLIC HEARINGS:**

1. Request of First Church of God that a tract of land located at 5008 Hildebrand Road, N. W., identified as Official Tax No. 2201401, be rezoned from RS-3, Residential Single-family District, to C-1, Office District, subject to certain conditions proffered by the petitioner. Maryellen F. Goodlatte, Attorney.

**Adopted Ordinance No. 36398-061603. (6-0)  
File #51**

2. Request of VHF, LLC, that a tract of land located at 1736 Grandin Road, S. W., Official Tax No. 1440705, be rezoned from RM-2, Residential Multi-family, Medium Density District, to CN, Neighborhood Commercial District, subject to certain conditions proffered by the petitioner. Stephen W. Lemon, Attorney.

**Adopted Ordinance No. 36399-061603. (5-0, Council Member Cutler was out of the Council Chamber when the vote was recorded.)  
File #51**

3. Request of Patricia C. Clower and Tammy Tester to amend Proffered Conditions set forth in Ordinance No. 29201-072588, in connection with a tract of land located on Fugate Road, N. E., identified as Official Tax No. 3101215. Patricia C. Clower and Tammy Tester, Spokespersons.

**Adopted Ordinance No. 36400-061603. (6-0)  
File #51**

4. Request of the Blue Ridge Small Business Development Center, Inc., d/b/a the New Century Venture Center, for exemption from local real estate taxation of real property located at 1354 Eighth Street, S. W. Lisa C. Ison, President, The New Century Venture Center.

**Adopted Ordinance No. 36401-061603. (6-0)  
File #79**

5. Proposed adoption of a resolution authorizing the City to contract a debt and issue general obligation public improvement bonds of the City (and in anticipation of the issuance thereof general obligation public improvement bond anticipation notes of the City), in the amount of \$52,300,000.00, for the purpose of providing funds to pay the costs of acquisition, construction, reconstruction, improvement, extension, enlargement and equipping of various public improvement projects of and for City purposes. Darlene L. Burcham, City Manager; and Jesse A. Hall, Director of Finance.

**Adopted Budget Ordinance No. 36404-061603 and Resolution No. 36403-061603. (6-0)**  
**File #53-60**

**Council Member Cutler left the meeting.**

6. Request of the Presbyterian Community Center, Inc., and PCC Land Company, LLC, for exemption from local real estate taxation of certain real and personal property located at 1228 Jamison Avenue, S. E. Bruce Stockburger, Attorney.

**Adopted Ordinance No. 36402-061603. (5-0)**  
**File #79**

7. Request to amend Vision 2001-2020 to include the Hurt Park/Mountain View/West End Neighborhood Plan. R. Brian Townsend, Agent, City Planning Commission.

**Adopted Ordinance No. 36405-061603. (5-0)**  
**File #165-200**



8. Proposal of the City of Roanoke to convey 0.017 acre of City-owned property and a revocable license permitting encroachment of a retaining wall, sidewalk and canopy, with all necessary appurtenances thereto, encroaching approximately 0.063 acre into the public right-of-way of Hamilton Terrace, S. E., to Carilion Health Systems, in connection with construction and development of a pedestrian bridge. Darlene L. Burcham, City Manager.

**Adopted Ordinance Nos. 36406-061603 and 36407-061603. (5-0)  
File #28-102-166-221**

9. Consideration of previously received applications for Federal funds made available through the Transportation Equity Act for the 21st Century (TEA-21) for transportation enhancement projects in FY 2003-04. Darlene L. Burcham, City Manager.

**Adopted Resolution Nos. 36408-061603, 36409-061603 and 36410-061603 (5-0) and Resolution No. 36411-061603. (4-0, Council Member Fitzpatrick abstained from voting)  
File #441**

## **B. OTHER BUSINESS:**

1.
  - (a) Petition for appeal of a decision of the Architectural Review Board, filed by Roland H. Macher, President, Macher Properties, with regard to property located at 518 Mountain Avenue, S. W. Roland H. Macher, Spokesperson.
  - (b) Recommendation of the Architectural Review Board that Council affirm its decision to deny issuance of a Certificate of Appropriateness, in connection with the abovereferenced property. Robert N. Richert, Chair, Architectural Review Board; and R. Brian Townsend, Director, Planning, Building and Development, Spokespersons.

**Based upon the evidence (testimony and documents) presented, Council affirmed the decision of the City of Roanoke Architectural Review Board on April 10, 2003, that no Certificate of Appropriateness be issued for the installation of two dusk-to-dawn lights at 518 Mountain Avenue, S. W., as set forth in the Request for Certification of Appropriateness dated March 27, 2003, on the grounds that the proposed installation is not compatible with the H-2 District and does not enhance those special visual and spatial qualities that the H-2 District was established to protect. (4-1, Mayor Smith voted no.)  
File #249**

2. (a) Petition for appeal of a decision of the Architectural Review Board, filed by Dana A. Walker, General Manager, H & W Properties, LLC, with regard to property located at 702 Marshall Avenue, S. W. John R. Patterson, Attorney.
- (b) Recommendation of the Architectural Review Board that Council affirm its decision to deny issuance of a Certificate of Appropriateness in connection with the abovereferenced property. Robert N. Richert, Chair, Architectural Review Board; and R. Brian Townsend, Director, Planning, Building and Development, Spokespersons.

**The matter was referred back to the Architectural Review Board, pursuant to Section 36.1-642(d), Code of the City of Roanoke (1979), as amended.  
File #249**

## **C. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

**Mr. George Gunther, 3038 Melrose Avenue, N. W., advised that people with disabilities and/or representing certain ethnic origins are not properly represented by the lower courts, magistrates, public defenders and Adult Protective Services in the City of Roanoke, resulting in persons being improperly incarcerated and/or fined. He called attention to discrimination in housing by the Roanoke Redevelopment and Housing Authority, specifically at Melrose Towers where management should be investigated.**

**File #66-175-178-353**

**Mr. Robert Gravely, 3360 Hershberger Road, N. W., expressed concern with regard to the overall condition of the City of Roanoke. He referred specifically to the need for better communications with citizens, improvements to the City's aging infrastructure, creation of more jobs leading to home ownership for citizens, sufficient wages for City workers which should not be based on a percentage increase, assistance for the elderly, and a reduction in Roanoke's crime rate.**

**File #5-60-66-178-184**